

ATTACHMENT C

SENTENCING ORDER

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY
FEDERAL INFORMATION PROCESSING
STANDARDS CODE: 165

Hearing Date: March 14, 2006
Judge: John J. McGrath, Jr.

COMMONWEALTH OF VIRGINIA

V.

MELVIN E. RAMIREZ, DEFENDANT

These cases are before the Court for disposition. The defendant, appeared in proper person, in the custody of the Sheriff of Rockingham County, with, Aaron W. Graves, Esquire, his court-appointed attorney. The Commonwealth was represented by, Richard A. Claybrook, Esquire. On motion of the Commonwealth, not objected to by the defendant, the Court amended Indictment no. two (2), Docket no. 33011 by deleting the words, "where the victim was thereby severely injured and was caused to suffer permanent and significant physical impairment," and further, the Court amended Indictment no. four (4), Docket no. 33056 by inserting the words, "and intentionally." Thereupon, the defendant was arraigned on amended Indictment no. two (2), Docket no. 33011 and amended Indictment no. four (4), Docket no. 33056 and tendered with the Court pleas of guilty to each, and further, filed with the Court a plea agreement. After determining that the guilty pleas were voluntarily and intelligently made and that the defendant knowingly and intelligently waived his right to a jury trial, said waiver the Court and the Commonwealth concurred in, and, after hearing the evidence, the Court accepted the defendant's guilty pleas, found the defendant guilty of the following amended offenses:

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA CODE SECTION
33011	Malicious wounding, as amended (F)	10/10/05	18.2-51
33056	Damage property, as amended (M)	10/10/05	18.2-137

and accepted the plea agreement as an appropriate disposition of the cases, after determining that the plea agreement was freely,

voluntarily and intelligently entered into by the defendant. On motion of the Commonwealth, not objected to by the defendant and in accordance with the plea agreement, the Court entered an order of nolle prosequi Indictment no. one (1), Docket no. 33010 and Indictment no. three (3), Docket no. 33012.

Pursuant to the provisions of Code 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of the departure from the guidelines are ordered filed as a part of the record in these cases.

Before pronouncing the sentence, the Court inquired if the defendant desired to advance any reason why judgment should not be pronounced.

The Court **SENTENCES** the defendant to: Incarceration with the **VIRGINIA DEPARTMENT OF CORRECTIONS** for the term of: eight (8) years and a fine in the amount of \$2500.00 for, malicious wounding, as charged in amended Indictment no. two (2), Docket no. 33011; and twelve (12) months in jail for, damage property, as charged in amended Indictment no. four (4), Docket no. 33056. The total sentence imposed is eight (8) years and twelve (12) months in a state correctional facility and a total fine in the amount of \$2500.00.

These sentences shall run consecutively with each other and with all other sentences.

The Court **SUSPENDS** six (6) years of the eight (8) year sentence and \$2500.00 of the \$2500.00 fine imposed on amended Indictment no. two (2), Docket no. 33011; and twelve (12) months of the twelve (12) month sentence imposed on amended Indictment no. four (4), Docket no. 33056, for a period of two (2) years supervised probation, for a total suspension of six (6) years and twelve (12) months and a total fine suspension of \$2500.00, upon the following conditions:

SUPERVISED PROBATION: The supervised probation shall be on the usual and ordinary terms and conditions, being of good behavior, obedience of all laws, including the rules and regulations of any institution in which the defendant is being held or has been assigned, including the payment of court costs and restitution, and the following special conditions: the defendant is to undergo such evaluation, counseling and treatment, including inpatient treatment, if necessary, for substance abuse, as

recommended by his Probation Officer; the defendant is to remain free of alcohol and illegal drugs; the defendant is to submit to random tests, by his Probation Officer, to ensure said freedom; the defendant is to consent to a search of his person, personal effects, motor vehicle and habitation, anytime of the day or night, by his Probation Officer or any law enforcement officer, without reasonable articulable suspicion, to ensure freedom from alcohol and illegal drugs, and further, to ensure compliance with all terms and conditions of probation; and further, the defendant is to have no contact, direct or indirect, with the victim Cindy Marquez-Lizame or her juvenile son. The Court, pursuant to Virginia Code Sections 19.2-310.2 and 19.2-310.3, ordered the defendant to submit a sample of his saliva for DNA analysis, prior to his release.

CONDITIONS OF SUSPENDED SENTENCE: It is the further order of the Court that in addition to the supervised probationary period, the defendant is to be of good behavior and obey all laws during the suspension of the aforesaid sentence.

COURT COST: The defendant as a condition of supervised probation shall pay the court cost of these proceedings, to be paid on a schedule set by the Probation Officer.

RESTITUTION: The defendant as a condition of supervised probation shall pay restitution in the amount of \$812.59 to the Rockingham County Sheriff's Department to be paid on a schedule set by the Probation Officer.

CREDIT FOR TIME SERVED: The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Virginia Code Section 53.1-187.

APR 08 2006

DATE

ENTERED:

JUDGE

DEFENDANT IDENTIFICATION:

SSN: 152-98-4274

DOB: 4/27/81

SEX: Male

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 8 years and 12 months

TOTAL SENTENCE SUSPENDED: 6 years and 12 months

TOTAL SENTENCE TO SERVE: 2 YEARS

CCRE submitted via CMS, MRH, DC

Cert. to jail:

Cert. to DOC:

I CERTIFY THAT THE DOCUMENT TO WHICH THIS AUTHENTICATION IS AFFIXED IS A TRUE COPY OF A RECORD IN THE ROCKINGHAM COUNTY CIRCUIT COURT CLERK'S OFFICE AND THAT I AM THE CUSTODIAN OF THAT RECORD.

DATE

CLERK/DEPUTY CLERK

DYLE

СТЕРИЛИЗАЦИЯ

CONTINUATION OF INVESTIGATION
 SOCIAL SECURITY OFFICE AND
 A RECORD IN THE ROCKINGHAM
 AUTHENTICATION IS MAILED TO THE
 I CERTIFY THAT THE ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

RECEIVED
FBI - NEW YORK
JUN 10 1964